EXHIBIT 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A BRAZOS LICENSING AND DEVELOPMENT,	§ § § §	CIVIL ACTION 6:20-CV-00473-ADA CIVIL ACTION 6:20-CV-00474-ADA CIVIL ACTION 6:20-CV-00475-ADA CIVIL ACTION 6:20-CV-00476-ADA
Plaintiff,	§ §	CIVIL ACTION 6:20-CV-00477-ADA CIVIL ACTION 6:20-CV-00478-ADA
	§	CIVIL ACTION 6:20-CV-00479-ADA
v.	§ §	CIVIL ACTION 6:20-CV-00480-ADA CIVIL ACTION 6:20-CV-00481-ADA
	§ §	CIVIL ACTION 6:20-CV-00482-ADA CIVIL ACTION 6:20-CV-00485-ADA
DELL TECHNOLOGIES INC.,	§	CIVIL ACTION 6:20-CV-00486-ADA
DELL INC., AND EMC CORPORATION,	§ §	PATENT CASE
Defendants.	§ §	JURY TRIAL DEMANDED

PLAINTIFF'S PRELIMINARY CONSTRUCTIONS

Plaintiff WSOU Investments, LLC d/b/a Brazos License and Development ("Plaintiff")

submits the following preliminary constructions pursuant to the Order Governing Proceedings

("OGP") and the Scheduling Order entered in this case. Plaintiff reserves the right to update,

supplement, revise, or otherwise modify these preliminary constructions in light of further

investigation and discovery, including evidence not yet produced by Defendants, or in light of

modification or supplementation of Defendants' invalidity contentions. Plaintiff reserves the right

to argue that the plain and ordinary meaning should apply to any of the claim terms.

Plaintiff notes that, for certain claim language, Defendants identify entire phrases, without

specifying which ones of the terms included within those phrases Defendants seeks to have the

Court construe. Plaintiff can presently only guess as to whether Defendants will seek construction

of only certain terms included in those phrases.

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Group 1

6:20-cv-480-ADA

	Terms for U.S. Patent No 7,539,133	Preliminary Construction
1.	"determining, for each packet, whether a congestion condition exists [on/for] the egress node"	Plain and ordinary meaning
2.	"processing the packets"	Plain and ordinary meaning
3.	"means for determining an egress node associated with each of a plurality of packets of a traffic flow received at an ingress node adapted for splitting the traffic flow into a plurality of traffic flow portions independent of the egress node by which each packet is assigned to exit the loadbalancing network"	Subject to means-plus-function construction. **Function:** "determining an egress node associated with each of a plurality of packets of a traffic flow received at an ingress node adapted for splitting the traffic flow into a plurality of traffic flow portions independent of the egress node by which each packet is assigned to exit the loadbalancing network" **Structure:** see, e.g., claims 2 and 3 and corresponding written description; Figs. 1-7, 2:55-3:6; 3:65-4:3; 5:11-17; 9:8-22; 9:37-41; 13:19-31; 14:24-65.[1]
4.	"means for determining, for each packet, whether a congestion condition exists on the egress node"	Subject to means-plus-function construction. **Function:** "determining, for each packet, whether a congestion condition exists on the egress node" **Structure:** see, e.g., Figs. 1-7; 5:1-6:12; 9:8-22; 9:41-51; 13:32-47; 14:24-65; 15:12-28.
5.	"means for processing the packets such that packets associated with egress nodes for which the congestion condition does not	Subject to means-plus-function construction.

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[1] Citations in this document to the figures (or features thereof) of the subject patent are intended to encompass corresponding written description, and *vice versa*.

Terms for U.S. Patent No 7,539,133	Preliminary Construction
exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists"	**Function:** "processing the packets such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists" **Structure:** see, e.g., claim 5 and corresponding written description; Figs. 1-7; 3:7-21; 5:24-38; 6:13-65; 7:26-30; 8:15-25; 8:64-9:22; 9:51-10:29; 10:43-11:8; 13:48-14:12; 14:24-65; 15:45-16:20.

6:20-cv-481-ADA

	Terms for U.S. Patent No 9,164,800	Preliminary Construction
1.	"latency cost"	Plain and ordinary meaning
2.	"[determining/determine] an assignment objective"	Plain and ordinary meaning
3.	"assign[ing] [a] compute node[s] from the set of compute nodes to [a] data node[s] from the set of data nodes"	Plain and ordinary meaning
4.	"data node"	Plain and ordinary meaning

6:20-cv-485-ADA

	Terms for U.S. Patent No. 7,636,309	Preliminary Construction
1.	"split ratio vector"	Plain and ordinary meaning
2.	"variance associated with at least one of the traffic flows"	Plain and ordinary meaning

6:20-cv-486-ADA

	Terms for U.S. Patent No. 7,092,360	Preliminary Construction
1.	"said element comprises: an element for recording whether a queue is empty or occupied, an element for recording the [number of data cells/quantity of data] contained in a queue, an element identifying a queue from which data is to be output, and an element identifying a group of queues from which data is to be output"	Plain and ordinary meaning
2.	"expected state for said element" "predetermined state for said element" "expected value of said parameter" "expected states for that element" "expected status for said element" "expected state of said first element"	Plain and ordinary meaning
3.	"detection means for detecting a state of an element"	Plain and ordinary meaning
4.	"comparing means for comparing the detected state with a predetermined state for said element and for outputting the result of the comparison"	Plain and ordinary meaning
5.	"means for requesting said scheduler model to pass the status of said element to said monitor"	Plain and ordinary meaning
6.	"monitoring means for monitoring a parameter relating to the operation of said scheduler"	Plain and ordinary meaning

	Terms for U.S. Patent No. 7,092,360	Preliminary Construction
7.	"determining means for determining an expected state for said element based on said monitored parameter"	Plain and ordinary meaning
8.	"prediction means for determining an expected status for said element"	Plain and ordinary meaning
9.	"determining means for determining an expected value of said parameter"	Plain and ordinary meaning
10.	"comparison means for comparing the detected parameter with said expected parameter and for outputting the result of the comparison"	Plain and ordinary meaning
11.	"means for detecting the state of an element of said scheduler at a plurality of different times and comparing the detected states with expected states and outputting the result of said comparison"	Plain and ordinary meaning
12.	"means for placing said test cells in said queues"	Plain and ordinary meaning
13.	"means for detecting the state of at least one element of said scheduler whose state depends on which queue is selected by said scheduler for outputting a test cell"	Plain and ordinary meaning
14.	"means for detecting from each test cell input to and/or output by said scheduler, the identity of the queue in which contained in said test cell"	Plain and ordinary meaning
15.	"comparison means for at least one of: comparing the detected element status with an expected status for said element based on the detected queue identity and comparing the detected queue identity, with an expected queue identity based on the detected status of said element"	Plain and ordinary meaning

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	Terms for U.S. Patent No. 7,092,360	Preliminary Construction
16.	"element for recording whether a queue is empty or occupied" "an element for recording the [number of [data] cells/quantity of data] contained in a queue" "an element identifying a queue from which data is to be output" "an element [identifying/indicating] a group of queues from which data is to be output"	Plain and ordinary meaning

Group 2

6:20-cv-473-ADA

	Terms for U.S. Patent No. 9,137,144	Preliminary Construction
1.	"group of communication traffic"	Plain and ordinary meaning
2.	"V is a group identifier corresponding to the group of communication traffic"	Plain and ordinary meaning
3.	"contiguous communication path"	Plain and ordinary meaning.
4.	"the plurality of contiguous communication paths"	Plain and ordinary meaning

6:20-cv-478-ADA

	Terms for U.S. Patent No. 7,126,921	Preliminary Construction
1.	"a computing means for control of the nodes"	Subject to means-plus-function construction. **Function:** control of the nodes **Structure:** CPU 206

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	Terms for U.S. Patent No. 7,126,921	Preliminary Construction
2.	"a computing means for controlling the node"	Subject to means-plus-function construction. **Function:** control of the nodes **Structure:** CPU 206
3.	"a data plane means for forwarding packets between the nodes"	Subject to means-plus-function construction. **Function:** forwarding packets between the nodes **Structure:** 4:44-60 (link interface 216 and switching fabric 214)
4.	"data plane means for forwarding packets to other nodes in the network"	Subject to means-plus-function construction. **Function:** forwarding packets to other nodes in the network **Structure:** 4:44-60 (link interface 216 and switching fabric 214)
5.	"means for fast propagation of node related information between the data plane means in each node and forwarding the information to the computing means in the network"	Subject to means-plus-function construction. **Function:** fast propagation of node related information between the data plane means in each node and forwarding the information to the computing means in the network **Structure:** 3:19-52 (switching fabric 214 and link interface 216 comprising a fast link state processor (FSLP) and a link failure database (LFDB) structure), 4:1-4, 7:18-20 (forwarding to CPU over link 236)
6.	"means for fast propagation of node related information to and from the data plane means in other nodes in the network and forwarding the information to the computing means"	Subject to means-plus-function construction. **Function:** fast propagation of node related information between the data plane means in each node and forwarding the

	Terms for U.S. Patent No. 7,126,921	Preliminary Construction
		information to the computing means in the network **Structure:** 3:19-52 (switching fabric 214 and link interface 216 comprising a fast link state processor (FSLP) and a link failure database (LFDB) structure), 4:1-4, 7:18-20 (forwarding to CPU over link 236)
7.	"means for fast propagation of link state information"	Subject to means-plus-function construction. **Function:** fast propagation of link state information **Structure:** 7:60-8:3 (FLSP 218, Fabric Interface 226 and Switch Fabric 214 structure for sending FSLMs), 8:21-27.
8.	"fast propagation"	Plain and ordinary meaning.

Group 3

6:20-cv-477-ADA

	Terms for U.S. Patent No. 8,913,489	Preliminary Construction
1.	"end node"	Plain and ordinary meaning
2.	"a link aggregate"	Plain and ordinary meaning
3.	"the first set of ports"	Plain and ordinary meaning
4.	"the first set of port interfaces of the multi-chassis link aggregate"	Plain and ordinary meaning

6:20-cv-482-ADA

	Terms for U.S. Patent No. 7,424,020	Preliminary Construction
1.	"removing, at the network node, the protocol data of a portion of protocol layers from the received data stream"	Plain and ordinary meaning
2.	"removes protocol data from a portion of protocol layers from a data stream"	Plain and ordinary meaning
3.	"a control unit which removes protocol data from a portion of protocol layers from a data stream received from the communication network via the second interface, the data stream comprising useful data and the protocol data, and switches a remaining data stream to be transmitted to one of the terminals via the first interface"	Plain and ordinary meaning
4.	"bus system"	Plain and ordinary meaning

Group 4

6:20-cv-474-ADA

	Terms for U.S. Patent No. 7,212,536	Preliminary Construction
1.	"bridge" / "bridge port"	Plain and ordinary meaning
2.	"channel in a connection-based network"	Plain and ordinary meaning
3.	"means for reading priorities of data frames directed by the bridge to at least a first one of the bridge ports"	Subject to means-plus-function construction. **Function:** reading priorities of data frames directed by the dribe to at least a first one of the bridge ports **Structure:** bridge, and equivalents thereof

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	Terms for U.S. Patent No. 7,212,536	Preliminary Construction
4.	"means for determining a number of the service interfaces associated with active channels in the connection-based network"	Subject to means-plus-function construction. **Function:** determining a number of the service interfaces associated with active channels in the connection-based network **Structure:** bridge, and equivalents thereof; 2:26-34, 4:46-5:18, 5:19-27, 6:44-48, 7:45-56, 7:57-8:20
5.	means for establishing a mapping between user priorities read by the means for reading priorities of data frames and the service interfaces associated with active channels in the connection-based network based at least in part on a number of the service interfaces associated with active channels in the connection-based network	Subject to means-plus-function construction. **Function:** establishing a mapping between user priorities read by the means for reading priorities of data frames and the service interfaces associated with active channels in the connection-based network based at least in part on a number of the service interfaces associated with active channels in the connection-based network **Structure:** bridge, and equivalents thereof; 5:28-6:14, 6:15-47, 6:49-7:34, 9:8-17, 8:37-45, Figs. 4, 5A-I, 6.
6.	means for assigning frames to the service interfaces based upon the user priorities and the mapping	Subject to means-plus-function construction. **Function:** assigning frames to the service interfaces based upon the user priorities and the mapping **Structure:** bridge, and equivalents thereof; 6:15-25, 7:22-34, 7:57-8:21
7.	"forwarding system configured to read a priority of a data frame to be forwarded onto the connection-based network by way of the first one of the ports, identify a service interface which the map indicates corresponds to the read user priority and forward the data frame over the channel	Plain and ordinary meaning

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Terms for U.S. Patent No. 7,212,536	Preliminary Construction
in the connection-based network associated with the identified service interface"	

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	Terms for U.S. Patent No. 7,453,888	Preliminary Construction
1.	"stackable trunk port"	Plain and ordinary meaning
2.	"backbone VLAN Identifier (ID)"	Plain and ordinary meaning
3.	"backbone VLAN trunk"	Plain and ordinary meaning
4.	"wherein the selection and association of at least one backbone VLAN ID with each one of the corresponding plurality of backbone VLAN trunks is undertaken irrespective of one of an in-use and a stand-by designation of each one of the plurality of backbone VLAN trunks and each one of the plurality of stackable trunk ports" (claim 1) / "wherein the association of the plurality of backbone VLAN IDs with the backbone VLAN trunk is undertaken irrespective of one of an in-use and a stand-by designation of the backbone VLAN trunk and the at least one stackable trunk port" (claim 15)	Plain and ordinary meaning
5.	"associating each of the backbone VLAN ID with each one of the plurality of backbone VLAN trunks"	Plain and ordinary meaning

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	Terms for U.S. Patent No 7,565,435	Preliminary Construction
1.	"setting the IPPC of one of the ports of one of said bridges within the MSTI to a lower IPPC when said port is part of the VLAN member set"	Plain and ordinary meaning
2.	"the Internal Port Path Cost (IPPC)"	Plain and ordinary meaning
3.	"Multiple Spanning Tree Protocol (MSTP) engine"	Plain and ordinary meaning
4.	"processing unit for setting the Internal Port Path Cost (IPPC) of one of the ports of one of said bridges within the MSTI to a high IPPC when said port is not part of the VLAN member set"	Plain and ordinary meaning
5.	"processing unit for setting the IPPC of one of the ports of one of said bridges within the MSTI to a lower IPPC when said port is part of the VLAN member set"	Plain and ordinary meaning
6.	"among the last ones" / "among the first ones"	Plain and ordinary meaning
7.	"ideally"	Plain and ordinary meaning
8.	"IEEE standard recommended value"	Plain and ordinary meaning
9.	"suppressing"	Plain and ordinary meaning
10.	Entirety of claims 9–11, 13–18	Plain and ordinary meaning

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	Terms for U.S. Patent No. 8,402,129	Preliminary Construction
1.	"rate of change"	Plain and ordinary meaning

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	Terms for U.S. Patent No. 8,402,129	Preliminary Construction
2.	"initiating a poll of resources in the nodes of the network by the management station in response to reporting from the node or a time interval being exceeded"	Plain and ordinary meaning
3.	"time interval"	Plain and ordinary meaning

Dated: January 20, 2021   Respectfully submitted,

                              By: /s/ Ryan S. Loveless
                                     James L. Etheridge
                                     Texas Bar No. 24059147
                                     Ryan S. Loveless
                                     Texas Bar No. 24036997
                                     Brett A. Mangrum
                                     Texas Bar No. 24065671
                                     Travis L. Richins
                                     Texas Bar No. 24061296
                                     Jeff Huang
                                     Etheridge Law Group, PLLC
                                     2600 E. Southlake Blvd., Suite 120 / 324
                                     Southlake, TX 76092
                                     Tel.: (817) 470-7249
                                     Fax: (817) 887-5950
                                     Jim@EtheridgeLaw.com
                                     Ryan@EtheridgeLaw.com
                                     Brett@EtheridgeLaw.com
                                     Travis@EtheridgeLaw.com
                                     Jeff@EtheridgeLaw.com

                                     Mark D. Siegmund
                                     State Bar No. 24117055
                                     mark@waltfairpllc.com
                                     Law Firm of Walt, Fair PLLC.
                                     1508 North Valley Mills Drive
                                     Waco, Texas 76710
                                     Telephone: (254) 772-6400
                                     Facsimile: (254) 772-6432

                                     Counsel for Plaintiff WSOU Investments, LLC

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<u>CERTIFICATE OF SERVICE</u>

A true and correct copy of the foregoing instrument was served or delivered electronically

to all counsel of record via email on January 20, 2021.

/s/ Ryan S. Loveless
Ryan S. Loveless